

REMARKS

Claims 4-5, 16-18, 20, 36-38, 47, 52-61, and 65 were canceled by previous amendment. After entry of the present amendments, claims 1-3, 6-15, 19, 21-35, 39-46, 48-51, 62-64, and 66-86 remain pending for examination.

The Finality of the Office Action Should be Removed

In an RCE mailed May 15, 2008, Applicants added a number of limitations to the independent claims, and then removed many of those limitations in a response mailed January 12, 2009, after failing to convince the Examiner that those limitations rendered the claims patentable. The removal of those claim limitations (e.g., directed to storing financial account information) should not have triggered any new search or additional effort because they were simply taking away limitations that had been added in a prior response. Applicants respectfully request that should the claim rejections be maintained, the finality of the office action should be removed.

Karkarmar Suffers From the Same Deficiencies As Cannon

The Examiner is no longer applying Cannon, rejecting the claims instead over Harkham in view of a new reference, *i.e.*, Karkarmar (U.S. Patent No. 6,508,709). However, Karkarmar suffers from the same deficiencies as Cannon, because Karkarmar is also directed to live-action video images, not to computer-generated audio-visual content, as will be explained in more detail below. Harkham still suffers from the same deficiencies pointed out in earlier responses, namely, that the simulation computer that simulates a virtual slot machine does not correspond to the claimed central server system. Applicants respectfully submit that the Examiner has not made out a *prima facie* case for obviousness, and request that the rejections be removed.

Applicants continue to disagree with the Examiner's view that the virtual slot machine of Harkham corresponds to the claimed game software offered on a central server system as claimed. Applicants pointed out in detail in the response mailed January 12, 2009, why the simulation computer does not correspond to the claimed central server system. Applicants refer to those previous arguments and incorporate them herein by reference. To reiterate, the central server system of claim 1 has the following attributes, all of which must be found in whatever item(s) the Examiner identifies as the server in Harkham:

- offers a plurality of wagering games, each including A/V content and game software for generating a random event, the A/V content including computer-generated image and animation data representing the random event;
- has a communications link established between the server and a player-operated gaming machine in a land-based casino;
- has a communication link established between the server and a player-operated computing device remote from any land-based casino;
- a computing device is authorized to access wagering games offered on the server;
- generates a random event of a second wagering game that is conducted via a player-operated computing device

The simulation computer for simulating a virtual slot machine does not correspond to the claimed central server system, and there is nothing in the passages that the Examiner continues to rely upon (i.e., Harkham, 14:12-13, 14:16-18, 17:22), which suggests that the simulation computer offers game software for wagering games, links to a gaming machine in a casino and a remote computing device, allows a computing device when authorized to access wagering games on the simulation computer, and generates a random event of a wagering game conducted via the computing device. For at least these reasons and those expressed prior responses, Harkham's simulation computer does not correspond to the claimed central server system, and therefore a *prima facie* case for obviousness has not been made because at least the following elements are lacking from Harkham:

offering a plurality of wagering games on the central server system, the plurality of wagering games each including audiovisual content and game software for generating a random event, the audiovisual content including computer-generated image and animation data representing the random event (claims 1, 10, and 66);

a plurality of wagering games offered by the central server system, each of the plurality of wagering games including audiovisual content and game software for generating a random event, the audiovisual content including computer-generated image and animation data representing the random event (claim 31);

conducting the second of the wagering games via the player-operated computing device by generating a random event for the second of the wagering games at the central server system (claims 1 and 10);

conduct the second of the wagering games via the player-operated computing device by generating the random event of the second wagering game at the central server system, the audiovisual content for the second wagering game being presented at the computing device (claim 31);

causing the second of the wagering games to be conducted via the player-operated computing device by generating a random event for the second of the wagering games at the central server system (claim 66). Reconsideration of the rejections is requested.

The Examiner also relies upon Karkarmar as disclosing a server-based system that can stream audiovisual content for either live or “pre-recorded” wagering games. However, when Karkarmar refers to “pre-recorded video,” every mention in Karkarmar refers to pre-recorded video of a previously recorded live casino game. The following excerpts clearly demonstrate that when Karkarmar refers to “pre-recorded video,” he is referring to previously recorded video of a live casino game. As such, Karkarmar does not teach or suggest offering a plurality of wagering games on the central server system, the plurality of wagering games each including audiovisual content and game software for generating a random event, *the audiovisual content including computer-generated image and animation data representing the random event*.

Virtual gaming is provided at a remote location on-site or off-site of the casino premises using live multimedia video or restricted pre-recorded video **from autonomous randomly selected live casino games**. The restricted pre-recorded video could be obtained *from prior casino security video or from closed regulated tournament video recordings*.

Karkarmar, Abstract.

Virtual gaming at a remote site uses legally randomized live video or pre-recorded video. Pre-recorded video could be obtained **from prior casino security video storage tapes or from tapes of closed regulated tournaments**.

Karkarmar, Col. 2, ll. 37-43.

Regulated live play or **pre-recorded restricted access storage repository-based multimedia video, of hired casino skills or invited professional gamblers or invited celebrities at the gaming tables**, enables a licensed casino to become a provider of multimedia gaming content, certified by government gaming authorities, similar to the movie/television entertainment production industry.

Karkarmar, col. 3, ll. 14-20.

The present invention includes a legally-authorized remote gaming system which includes a multimedia video source at a casino which provides a live video or pre-

recorded restricted-access video signal **depicting a legally-authorized live casino game**.

Karkarmar, col. 3, ll. 30-34.

The remote player station includes a display for displaying to a remote player the live multimedia video or the pre-recorded multimedia video signal depicting the legally-authorized, live or pre-recorded, **actual casino game**.

Karkarmar, col. 3, ll. 40-43.

The present invention also allows a remote virtual slot players to participate in the outcome of a particular lucky slot machine, which is being **played by a live slot player**.

Karkarmar, col. 9, ll. 43-46.

These legally-authorized games are then electronically acquired on multimedia video and electronically routed to the remote player stations, on-site or off-site via the distribution hub 34. Indeed, **the live players at these house tables** could be world-class card players, tournament poker players, and other professional game players.

Karkarmar, col. 10, ll. 61-67.

Moreover, the **games at the live house tables** can also be played in a closed "secure" casino-controlled environment, **recorded** and then **autonomously** randomly selected and **routed to the remote player stations**.

Karkarmar, col. 11, ll. 8-11.

Thus, when the Office Action states that Karkarmar teaches streaming "pre-recorded wagering games," it is only telling part of the story. Karkarmar is actually talking about pre-recorded **live** wagering games, not pre-recorded wagering games that are computer-generated. Step 618 in FIG. 14A cited in the Office Action also misses the mark. Step 618 is a decision block that determines whether the game to be played is live or pre-recorded. If pre-recorded, an RNG selector selects the audio and video signals from a multimedia video database 626, such as a secure disk, tape, CD or other storage media-based farm 96 of FIG. 1. Col., 23, l. 60 to col. 24, l. 6. The farm system 96 of FIG. 1 is described as follows:

The securely encrypted and compressed **live** video and audio signals from the video camera systems and the stereo microphones are also connected to, recorded, and then subsequently played back with a VCR array, hard disk array or solid state disk array, as typically illustrated by utilizing a secure, compressed virtual gaming episode data base using disk or tape farm system 96.

Col. 7, ll. 8-15. Thus, again, when Karkarmar refers here to a “pre-recorded” game or a “virtual” gaming episode, he is referring to a pre-recorded *live* game that has been recalled from a farm system.

Like Harkham, Karkarmar does not disclose offering game software on a central server system as claimed. Thus, a *prima facie* case of obviousness has not been made because Harkham and Karkarmar, alone and in combination, fail to disclose or suggest, *inter alia*, any limitation containing audiovisual content:

offering a plurality of wagering games on the central server system, the plurality of wagering games each including audiovisual content and game software for generating a random event, **the audiovisual content including computer-generated image and animation data representing the random event;**

a plurality of wagering games offered by the central server system, each of the plurality of wagering games including audiovisual content and game software for generating a random event, **the audiovisual content including computer-generated image and animation data representing the random event;**

conducting the second of the wagering games via the player-operated computing device, wherein the random event for the second of the wagering games is generated at the central server system and **wherein the audiovisual content for the second of the wagering games is presented at the computing device;**

conduct the second of the wagering games via the player-operated computing device by generating the random event of the second wagering game at the central server system, **the audiovisual content for the second wagering game being presented at the computing device;**

or

wherein **the audiovisual content for the second of the wagering games is presented at the computing device.**

In addition, the random number generator identified by the Office Action (p. 4) as corresponding to the claimed game software for generating a random event is completely misplaced. The RNG in Karkarmar is for randomly selecting one of the pre-recorded videos, not for randomly selecting a game outcome. This is clear from the passage quoted by the Office Action; the RNG randomly selects different video inputs from the video camera systems or disk/VCRs to randomly select a video source, not to randomly select a game outcome.

The communication hub 34 also functions as a switching router with audio/video output signals being selected from inputs provided by video camera systems or disk/VCRs, using a random selection method controlled by a certified random number generator (RNG), of the numerous multimedia video packets.

Karkarmar, col. 7, ll. 25-29. Thus, Karkarmar's RNG does not cure the deficiency of Harkham's failure to disclose game software offered on a central server system as claimed.

For at least the foregoing reasons, the pending independent claims are believed to be patentable over Harkham in view of Karkarmar. Reconsideration of the rejections is requested.

The dependent claims are believed to be patentable over the applied references for at least the reason that the independent claim from which they depend are patentable thereover. At least the following dependent claims are patentable over the applied references for at least the following additional reasons.

Regarding claims 6, 21, 40, and 41, neither Harkham nor Karkarmar discloses:

downloading the **audiovisual content** for the second of the wagering games from the central server system to the gaming machine, and wherein the conducting the second of the wagering games includes executing the game software at the central server system; **or**

wherein the central server system executes the **audiovisual content** for the second wagering game and the game software for the second wagering game; **or**

wherein the central server system executes the game software for the second wagering game, and wherein the computing device receives the **audiovisual content** for the second wagering game from the central server system and stores the audiovisual content for the second wagering game locally. Karkarmar's pre-recorded video does not correspond to the claimed computer-generated audiovisual content because Karkarmar's pre-recorded video is of a previously recorded live event.

Regarding claims 7, 19, 39, and 69, neither Harkham nor Karkarmar discloses:

downloading the **audiovisual content** and the game software for the first of the wagering games from the central server system to the gaming machine, and wherein the conducting the first of the wagering games includes displaying the audiovisual content and executing at least a substantial portion of the game software at the gaming machine; **or**

wherein the gaming machine receives the **audiovisual content** for the first wagering game and the game software for the first wagering game from the central server system, stores

the audiovisual content for the first wagering game and the game software for the first wagering game locally, and executes the game software for the first wagering game; or

downloading the game software for the first wagering game from the central server system to the first gaming machine prior to the causing the first wagering game to be conducted; and downloading the audiovisual content for the first wagering game from the central server to the first gaming machine. Regarding claim 68, neither Harkham nor Karkarmar discloses downloading the **audiovisual content** for the first wagering game from the central server to the first gaming machine. Karkarmar's pre-recorded video does not correspond to the claimed computer-generated audiovisual content because Karkarmar's pre-recorded video is of a previously recorded live event.

Regarding claims 9, 23, 43, and 72 Harkham's virtual slot machine does not correspond to the claimed gaming machine that is free of a game engine for executing the game software. The claimed gaming machine is a player-operated gaming *machine* in a land-based casino. Applicants submit that a virtual slot machine is not a player-operated *gaming machine* as that term is understood by those of ordinary skill in the art.

Regarding claim 72, neither Harkham nor Karkarmar discloses causing a third of the wagering games to be conducted via a second gaming machine, wherein the **audiovisual content** for the third wagering game is presented at the second gaming machine; or executing the game software for the third wagering game at the central server system. Karkarmar's pre-recorded video does not correspond to the claimed computer-generated audiovisual content because Karkarmar's pre-recorded video is of a previously recorded live event.

Regarding claims 81, 83, 84, and 86, Harkham does not disclose wherein the player account database is communicatively accessible by the gaming machine and by the computing device. The financial information is accessibly *by the server* (see Harkham 6:30-35, cited on p. 8 of Office Action), but Harkham does not disclose that the financial information is accessible *by a gaming machine or a computing device* as recited in these claims.

Regarding claims 6, 27-29, 48, 49, 70, 71, 74, 79, 82, and 85, Applicants explained in detail in the response mailed May 15, 2008, why Larose fundamentally differed from the basic-enhanced content of the claimed invention. For example, the May 15, 2008, response explained that Larose's software protection scheme required all versions of the executable/graphics files to be installed and executed *locally* on the execution PC 250. In the claimed invention, the decision

as to how to configure a local device or a remote server to conduct a basic or an enhanced version is based on *where* the game software is executed (e.g., locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely). By contrast, Larose's scheme unlocks software functionality based upon whether the user has paid for an appropriate license to gain access to additional functionality. The additional functionality in the software is not based upon *where* that software is executed (in Larose, it is always executed on the execution PC 250).

Thus, the allegation by the Office Action on page 8 that “’876 [Larose] teaches at least one of the wagering games including a basic version and an enhanced version having upgraded audiovisual content relative to the basic version, and configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version as a function of whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely, is entirely misplaced. Larose says nothing about wagering games or gaming machines. And as stated above, Larose does not teach or suggest configuring the gaming machine, the computing device, or the central server system to conduct the basic version or the enhanced version as a function of whether the game software is executed locally at the gaming machine or at the computing device, or executed remotely at the central server system, or executed locally and remotely. The Examiner has not made a *prima facie* showing for obviousness based on the Harkham-Karkarmar-Larose combination.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and such action is earnestly solicited. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned attorney at the number indicated.

It is believed that no fees are presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Deposit Account No. 50-4181/247079-000125USPT for any fees inadvertently omitted which may be necessary now or during the pendency of this application, except for the issue fee.

Respectfully submitted,

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